

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.298 OF 1998

The Commissioner of Income-tax,
Bombay City - XI, Bombay .. Applicant.
V/s.
Shri K.V. Paladia .. Respondent.

Mr.Suresh Kumar for the applicant.
Ms.Asifa Khan for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 11TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant.
The Tribunal has referred following question for the
opinion of this Court reading as under :-

Whether in the facts and in the circumstances
of the case, the Tribunal was right in law in
holding that incentive bonus commission
received by the assessee was income from
profession and thereby allowing a deduction
of 40% for expenses ?

2. The above question has already been answered
by the Division Bench of this Court in the case of
**CIT V/s. Gopal Krishna Suri [(2001) 248 ITR 819
(Bom)]** in favour of the revenue and against the
assessee. In this view of the matter, question
stands answered for the reasons stated in the case of
Gopal Krishna Suri. Reference, accordingly stands
disposed of with no order as to costs.
